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### **REMARKS**

Claims 19-21 have been allowed.

Claims 1-2, 4-6, 14 and 18 are rejected under 35 U.S.C. § 102(e).

Claims 7-12, 15-17 are rejected under 35 U.S.C. § 103(a).

Claims 3 and 13 have been objected to as depending from a rejected base claim and allowable if rewritten in independent format.

Applicant respectfully traverses all the outstanding rejections and requests reconsideration and withdrawal thereof in view of the above amendments and following remarks.

#### **Allowable Subject Matter**

Applicants gratefully acknowledge the Office Action's indication of allowable subject matter of claims 3 and 13.

#### **Amendments to the Claims**

No amendments have been made to the claims.

Therefore no new matter has been added.

No amendment was made for the purpose of narrowing the scope of any claim, unless Applicant had argued herein that such amendment was made to distinguish over a particular reference or combination of references.

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### **Claim Rejections – 35 USC § 102**

The Office Action rejects, under 35 U.S.C. § 102(e), Claims 1-2, 4-6, 14 and 18 over U.S. Patent Application No. US-20040162064 Himmelstein (Himmelstein).

In regard to independent claim 1 and the claims that depend therefrom, contrary to the Examiner's statement that all elements are disclosed by Himmelstein, communicating simultaneously with communicating said first communication, a second communication on a second link to a base station, wherein said first communication and said second communication are substantially the same is not. The rejection is therefore unsupported by the art.

In regard to independent claim 14 and the claims that depend therefrom, contrary to the Examiner's statement that all elements are disclosed by Himmelstein, informing a second device, proximate to said first device, of said first device channel assignment is not. The rejection is therefore unsupported by the art

Reconsideration and withdrawal of the rejection of independent claim 1 and independent claim 14 and the claims that depend therefrom, under 35 U.S.C. § 102(e) as being anticipated by Himmelstein is respectfully requested.

### **Claim Rejections – 35 USC § 103**

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The Office Action rejects, under 35 U.S.C. § 103(a), Claims 7-12, 15-17 over U.S. Patent Application No. US-20040162064 Himmelstein in view of U.S. Patent No.: 6,580,909 Carro (Carro).

Carro is directed to a system and method of forming a network out of a plurality of mobile communication units sharing a common transmission medium without requiring a bases station. Carro teaches away from independent claim 1, from which claim 7 depends, as Carro discloses a mesh network that that does not require any base station to operate. Himmelstein discloses a vehicle communication system (FIG. 1) that includes one or more base stations 14, each of which is in communication with a plurality of remote units 16. Therefore, there is no teaching, motivation or suggestion to combine the references as relied on as evidence of obviousness.

Reconsideration and withdrawal of the rejection of claims 7-12 and 15-17, under 35 U.S.C. § 103(a) is respectfully requested.

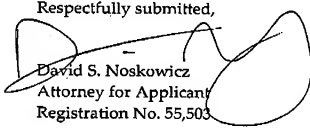
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### CONCLUSION

The application, and in particular claims 1-21, is in condition for allowance and a favorable response at an early date is earnestly solicited. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact Applicants' representative at the telephone number indicated below. Please charge any fees associated herewith, including extension of time fees, to **Deposit Account 502117.**

Respectfully submitted,



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